



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING
DATE AND TIME:	Wednesday, November 10, 2010 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd. Dover, DE 19904
APPROVED:	February 9, 2011

MEMBERS PRESENT

Rebecca Walker, President, RN Member
Evelyn Nicholson, Vice President, Public Member
Robert Contino, RN, Nurse Educator Member
Robert Draine, Public Member (entered @ 9:13 a.m.)
Dianne Halpern, RN Member
Mary Lomax, Public Member
Barbara Peterson, RN Member
Delphos Price, APN Member
Harland Sanders, Public Member
Tammy Ward, RN Member
Robert Maddex, Public Member
Tracy Littleton, LPN Member
Lyron Deputy, RN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

David Mangler, Executive Director
Patricia Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Kathy Bradley, LPN Member
Stacey Burns, LPN Member

ALSO PRESENT

Barbara J. Robinson, Leads School of Technology
Connie Bushey, Beebe School of Nursing
Tammy Paxton, Delaware Technical & Community College, Owens Campus
Kathy Janvier, Delaware Technical & Community College, Stanton Campus
Suzanne Rabb-Long, DE Health Association
Joann Baker, Delaware Technical & Community College, Terry Campus

Ms. Walker called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on October 13, 2010. Ms. Nicholson made a motion, seconded by Mr. Price, to approve the minutes with the corrections and amendments made during the review. The motion was carried.

ADOPTION OF THE AGENDA

Mr. Mangler indicated that an amended Agenda is found at each member's seat. Dr. Peterson made a motion, seconded by Mr. Price, to adopt the amended agenda. The motion was carried.

ACTIVITIES REPORT

Mr. Mangler provided the report of the number and types of active licenses and permits as of November 9, 2010.

Total Active Licenses = 18, 273

APN = 1,109

Permits = 2

RN = 14,347

RN Permits = 27

GN Permits = 0

LPN = 2,817

LPN Permits = 1

GPN Permits = 0

UNFINISHED BUSINESS

There was no unfinished business before the Board.

COMMITTEE REPORTS

Rules & Regulations

Ms. Wagner provided the Board with an update on the committee meeting held October 25, 2010. The committee has completed Section 2 with some minor updates that Mr. Mangler will be completing.

Practice & Education Committee

Mr. Mangler will be scheduling a December meeting of the Committee to review the Annual Nursing Program Reports and to draft the Committee's Report to the Board.

PRESIDENT'S REPORT

Ms. Walker announced that she was successful for her bid for a State House of Representatives seat in the recent elections.

EXECUTIVE DIRECTOR'S REPORT

- Mr. Mangler announced to the Board that he had resigned his position as Executive Director effective December 17, 2011 and that the Division was in the process of obtaining approval to recruit for and fill the vacancy with a goal to have some period of over-lap. Mr. Mangler has accepted a position with Geisinger Health System in Danville, PA starting on January 3, 2011. He expressed his sincere thanks for the support given to him by the Board of Nursing over the years he has held the position and for the service to the citizens that the Board gives.

- The 2011 Registered Nurse and Advanced Practice Nurse license renewal cycles will begin with those licenses expiring February 28, 2011. Renewal notices will be generated at the beginning of December. There will not be the option for the licensee to request a paper renewal form. All renewals will be required to be completed using the Division of Professional Regulation's online renewal tool on the website. Over 92% of the nurses used the online renewal format in the last RN/APN renewal cycle.
- Mr. Mangler reported a call from a Delaware licensed LPN inquiring about the approval status of a "LPN to RN" program that had held an informational session recently. The name of the school was "Westbrook Academy" with a school in the Wilmington, DE area. Based on limited information available, it appeared that Westbrook Academy, a.k.a. Westbrook Prep, is approved only by the New Jersey Department of Labor. Westbrook Academy had been a New Jersey Board-approved nursing program; however, the approval of the school had been removed by the New Jersey Board. The Westbrook Academy, a.k.a. Westbrook Prep, does not appear to have the approval of any Board of Nursing at this time. The caller indicated that it appeared during the informational session that a "graduate" of the program would be able to matriculate into the New York Reagent's Excelsior College Associates Degree program for graduation with the degree. A representative of Excelsior College confirmed that this was not factual, that they had no affiliation with Westbrook Academy.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

Gladys Kengara – Ms. Kengara is a PN applicant. Ms. Kengara submitted an application for re-examination. She has taken the NCLEX exam four times since graduation in December 2007. She is requesting Board approval to sit for the NCLEX examination again. Mr. Price made a motion, seconded by Ms. Halpern, to approve Ms. Kengara to sit for the NCLEX examination after submission of evidence of completing an approved NCLEX review course. By unanimous vote, the motion carried.

Theresa Ruff – Ms. Ruff is a RN applicant seeking permission to sit for the NCLEX-RN exam. She graduated from Wesley College in 2002 with an associate degree with unsuccessful attempts at the NCLEX in July 2002, May 2005, September 2005 and February 2007. In March 2009 she was approved to sit for the NCELX exam again after submitting evidence of successful completion of a NCLEX review course. There is no evidence that she complied with that requirement. Mr. Price made a motion, seconded by Mr. Maddex, to allow her to sit for the NLCEX after she has submitted sufficient evidence of completing an approved NCLEX review course. With Dr. Contino abstaining, the motion was carried by a majority vote of the Board.

Jattu Moussa - Ms. Moussa is an applicant for LPN licensure by examination who pled guilty to simple assault in July 2006, a crime found to be substantially related to the practice of nursing at the Board's Rule 15.2.13. The Board reviewed the court documents provided by the applicant showing completion of all requirements of sentencing in January 2008. Dr. Contino made a motion, seconded by Mr. Draine, to propose to deny licensure based on the applicant's ineligibility for licensure pursuant to 24 Del.C. §1914(5). By unanimous vote, the motion carried.

By Endorsement

Jamie Betancourt – Mr. Betancourt is an applicant for RN licensure by endorsement with a criminal conviction in 1996 for simple assault, a crime found to be substantially related to the practice of nursing found at the Board's Rule 15.2.13. The Board reviewed the document from the Court of Common Pleas – First Judicial District of Pennsylvania in which it indicates that Mr. Betancourt served a period of probation and completed it successfully. It further indicates that the case expired and was terminated

on April 23, 1998. Mr. Betancourt's personal statement regarding the circumstances surrounding his arrest and conviction and numerous letters of professional reference were also reviewed by the members of the Board. Mr. Draine made a motion, seconded by Mr. Price, to grant Mr. Betancourt a waiver in accordance with 24 *Del.C.* §1910(5) and grant a license. By unanimous vote, the motion was carried.

Renewal

Mr. Mangler indicated that the number of active RN licenses with an expiration date of February 28, 2011 is 2,781 and 2 Inactive RN licenses. The number of active APN licenses that expire on that same date is 253. Mr. Mangler is recommending the selection of 2% of these RN licenses for an audit of both continuing education and practice. Further, Mr. Mangler indicated that the Board's Rules allow that the Board may select advanced practice nurse licenses for audit before renewal and after renewal. Mr. Mangler made a recommendation that the Board approve the selection of 5% of APN licenses with renewed Prescriptive Authority after February 28, 2010 (Post-Renewal). The rationale presented was that this is the group of APNs who are required to have a Collaborative Agreement in place. Mr. Mangler explained also that the Board's Rules allow for an audit of the Collaborative Agreement only. Mr. Price made a motion, seconded by Dr. Contino, to accept the recommendations. By unanimous vote, the motion was carried.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Ms. Nicholson made a motion, seconded by Mr. Price, to approve the following complaint assignments given to the following Board contact person. The motion was carried by unanimous vote.

11-71-10 Tracy Littleton
11-70-10 Stacey Burns
11-69-10 Tracy Littleton

CLOSED COMPLAINTS

Cases 11-75-07, 11-99-07, 11-53-09, and 11-82-07 were dismissed by the Attorney General's Office. Cases 11-55-10 and 11-56-10 were closed by the Division of Professional Regulation.

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

11-84-08 Adebayo O. Onigbinde, RN – Following a review of the document, Mr. Price made a motion, seconded by Mr. Draine, to accept the Consent Agreement and issue a Letter of Reprimand. By a majority vote of the members of the Board and with Dr. Peterson voting no, the motion to accept the Agreement carried.

11-27-09 Marie E. Brown, RN – Following review of the document, Dr. Contino made a motion, seconded by Mr. Maddex, to accept the Consent Agreement and issue a Letter of Reprimand. By unanimous vote of the Board, the motion carried.

11-87-07 & 11-18-09 Dawn M. Long LPN – Following review of the document, Dr. Contino made a motion, seconded by Mr. Price, to accept the Consent Agreement and suspend the license. By unanimous vote, the motion carried.

11-97-07 Cathy R. Fischer Jacobs – Following review of the document, Mr. Price made a motion, seconded by Dr. Peterson, to accept the Consent Agreement and issue a Letter of Reprimand. By unanimous vote, the motion carried.

11-68-10 Shane E. Kiser – The Board was informed that Mr. Kiser did not enter into a Consent Agreement and therefore a hearing would be scheduled for December 8, 2010 before a quorum of the

Board to determine the appropriate action to be taken, if any, against both his temporarily suspended lapsed LPN and temporarily suspended RN licenses. The Temporary Suspensions currently in place on his licenses would be lifted prior to a regularly scheduled meeting of the Board in January 2011.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

None

HEARINGS

Minutes follow the Board meeting minutes.

LEGISLATIVE UPDATE

There were no updates.

REVIEW OF COMPLIANCE

Joy E. Truitt – Ms. Truitt, placed on a period of probation for six months for unprofessional conduct and failing to protect the privacy of a patient, submitted the Board required written self-evaluation report within the required timeframe stipulated in the Board's Consent Agreement order. The Board reviewed her written report as well as the two written performance evaluation reports from her nursing supervisor during this period of time. Sufficient evidence of completion of at least 12 additional continuing education contact hours was also presented. Mr. Price made a motion, seconded by Dr. Peterson, to end Ms. Truitt's period of Probation at the conclusion of the six month period stipulated. By unanimous vote, the motion carried.

PRACTICE WITHOUT LICENSURE REVIEWS (October)

There were no instances of practice without a license in October. Mr. Mangler reminded the Board that current nurse license law allows that the Board can impose a fine of up to \$1000 for unlicensed practice and further that an employer can also be fined up to \$1000. Ms. Davis-Oliva offered that this penalty had been previously ruled to be a penalty for which the Board did not have authority. However, the change to the Administrative Procedures Act did allow a fine to be imposed, but only after failure to comply with a Cease and Desist Order.

PRACTICE ISSUES

Mr. Manger reviewed the most recent request received related to scope of practice. Some Christiana Care VNA nurses have received physician orders on discharged patients (from a Maryland hospital) for intra-articular injections of antibiotics. Following discussion by the members of the Board, Mr. Price made a motion, seconded by Ms. Nicholson, to find that this act was not within the scope of practice of either the RN or LPN and only in the scope of practice of the specifically trained and competent APN. By unanimous vote, the motion carried.

EDUCATIONAL ISSUES

Camtech, Inc – Faculty Addition Request

The Board reviewed the faculty addition request and the credentials of Emmanuel J. Esaka, MD, Ph.D., MBA. The request indicates that Dr. Esaka would be teaching Anatomy & Physiology and Pharmacology to the practical nurse students of Camtech, Inc. During discussion, Board members expressed concern regarding how the "nursing-related content" usually found in a practical nurse program would be addressed. Mr. Price made a motion, seconded by Mr. Deputy, to TABLE any decision and to request the course syllabus for any/all pharmacology courses in the Camtech, Inc. curriculum.

Leads School of Technology – Faculty Addition Request

The Board reviewed the faculty addition request and the credentials of Adetutu Ogunleye, BA, BSN, RN. The request indicates that Ms. Ogunleye will be assigned to teach Psychiatric Nursing and Fundamentals as well as clinical psychiatric rotations. The assignments are consistent with the experience contained in the résumé/CV. Dr. Contino made a motion, seconded by Mr. Price, to approve the request. By unanimous vote, the motion carried.

JMJ School of Health Sciences

Mr. Mangler indicated that the Board office has not yet received any further communication from this program seeking approval of the Board. He further indicated that the JMJ School also now has the same mailing address as the address at which the “informational session” was held by the Westbrook Academy. Further, it appears that both the Westbrook Academy and the JMJ School websites indicate both to be divisions of Innovative Service Concepts, Inc. A letter has been sent to JMJ School of Health Sciences regarding what also appears to be student and faculty recruitment, indicating that this is a clear violation of the Board’s Rules & Regulations. The letter also asks for clarification regarding the relationship of JMJ School of Health Sciences to Innovative Service Concepts and to Westbrook Academy.

Delaware Institute of Health Sciences – Program Director and Faculty Addition Requests

Mr. Mangler and Ms. Davis-Oliva explained that the Board’s Rules expect that a school continue to operate to graduate any students currently enrolled at the time the Board removes program approval and the fact that the Board’s decision is currently on Appeal and further that the Court has ordered that the school can continue to operate, the Board has before it what is believed to be a request for review and approval of a Program Director and Faculty. Following discussions, Dr. Contino made a motion, seconded by Mr. Price, to approved the request for Monica Scott, RN, MSN as Program Director and to teach Medical/Surgical Nursing, Anatomy & Physiology, and Career Transition; Ezekiel Osundina, RN, BSN to teach Gerontology, Fundamentals of Nursing, Microbiology and clinical rotations; Joy Magee, RN, MSN to teach Mental Health, Human Growth and Development, Pharmacology, Pediatrics, Maternity and clinical rotations; and Jacqueline Okumu, RN, MSN to teach Nutrition, Career Transition and clinical rotations. By a majority of a quorum of the Board, the motion carried. Dr. Peterson, Mr. Maddex, Mr. Deputy, and Mr. Sanders abstained.

LICENSURE ISSUES

The Board reviewed a letter received from Vicenta G. Marquez, MD, FAAP the Director Medical Services in which she requested that the Board “waive” the practice hours required for maintaining licensure for specific nurses who were volunteering in her clinical. She presented that these nurses will not have accumulated the required hours to renew their licenses because the clinic is only open a limited number of hours in a week. After discussion, Ms. Nicholson made a motion, seconded by Mr. Maddex, that the request to waive the Board’s Rule be denied. By unanimous vote, the motion was carried.

NCSBN

None

LICENSEE APPROVAL

Ms. Nicholson made a motion, seconded by Mr. Price, to ratify the Licensee List as presented. The motion was carried by unanimous vote.

PUBLIC COMMENT

Ms. Walker made a motion requesting that the Agenda be further amended to include nomination and election proceedings. She explained that as a result of her being elected to public office, she would be stepping down from the Board effective with her swearing in as a member of the Delaware House of

Representatives. There was no opposition to the motion heard. Ms. Walker called for nominations for President. Dr. Contino nominated Ms. Nicholson. Ms. Nicholson voiced her acceptance of the nomination. Ms. Walker called for any further nominations for President. With no other nominations made and by acclamation, Ms. Nicholson was elected President. As a result, the seat of Vice President became vacant. Ms. Walker called for nominations for Vice President. Mr. Deputy nominated Dr. Contino. Dr. Contino voiced his acceptance of the nomination. Ms. Walker called for any further nominations for Vice President. With no other nominations made and by acclamation, Dr. Contino was elected Vice President.

Members of the public present congratulated the newly elected Board Officers. They also wished Mr. Mangler well in his move and thanked him for the contributions he made as Executive Director. They noted his professionalism and the improvements made in Board operations over the years he has been the Executive Director.

NEXT SCHEDULED MEETING

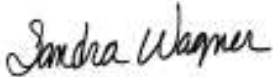
The next regularly scheduled meeting will be held on January 12, 2011, at 9:00 a.m. in the Cannon Building, 861 Silver Lake Blvd, Suite 203, Conference Room A, Dover, DE 19904.

Mr. Mangler will be contacting Board members individually for availability to confirm the special Board Meeting on December 8, 2010 with a time and location to be announced.

ADJOURNMENT

There being no further business the meeting was adjourned at 10:53 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III
Delaware Board of Nursing

EMERGENCY HEARING MINUTES

HEARING – Kwanda Knight

The Delaware Board of Nursing was scheduled to hold a hearing on November 10, 2010, at 11:00 a.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Rebecca Walker, Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Delphos Price, Mary Lomax, Robert Draine, Tracy Littleton, Tammy Ward, Robert Contino, Lyron Deputy, and Robert Maddex

RECUSED: Mary Lomax

EXCUSED: Kathy Bradley and Stacey Burns

PURPOSE: To hear the State's Petition for an Emergency Suspension

PRESIDING: Rebecca Walker, President

BOARD STAFF: David C. Mangler, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois

RESPONDENT: Kwanda D. Island Knight

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Vera Spitz, Wilcox and Fetzer

TIME STARTED: 11:07 a.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Knight was present for the Emergency Hearing. Ms. Gadbois introduced the State's Petition and request for the emergency Temporary Suspension. Ms. Knight presented argument as to why the State's Petition not be granted. The Board went off the record for deliberations at 11:21 a.m. The Board went back on the record at 11:24 a.m. Mr. Price made a motion, seconded by Ms. Nicholson, to grant the State's request for temporary suspension of Ms. Knight's license until a hearing before the Board can be scheduled. The motion was unanimously approved.

The hearing concluded at 11:25 a.m.